

Amendments to the Drawings:

Formal drawings are submitted herewith which incorporate the changes required by the Examiner. Approval by the Examiner is respectfully requested.

Attachment: Replacement Figures 1-10

REMARKS

Claims 1-50 are rejected. Claims 21 and 50 have been amended. Claim 49 has been canceled. Claims 1-48 and 50 are presently pending in the application. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Applicants have amended Claim 21 to limit the display to a bistable device as detailed in Claim 49. Support for this amendment is found in Claim 49 and the specification. Claim 50 has been amended to provide the proper dependency.

Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finster et al US 6,217,966 in view of Applicants' admitted prior art. Applicants respectfully traverse this rejection. In order to make out a prima facie case of obviousness, the Examiner must show every element in the combination of references. This the Examiner has not done.

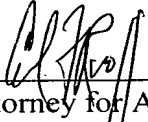
Finster is cited as disclosing an electronic price label with an electronic display 10A and a printed label 26 including an adhesive backing 18. When strip 14a is removed from the printed label, a window to view the electronic price label display 10A is exposed (col. 6 lines 25-33). Finster discloses a push button 10d which is operable to affect the display 10a when depressed (col. 4 lines 51-65). The Examiner admits that Finster does not disclose that the electronic price label is bistable. The Examiner asserts that Applicants admit in the background of the invention that bistable electronic price labels are known. The Examiner then concludes that it would have been obvious to a person of ordinary skill in the art at the time of the invention.(sic) This would effectively allow for conservation of power of the electronic price label and, thus, extend the usable lifetime of the power source inherent within the price label. The Examiner has not shown an electronic shelf label that includes a support having a display area and an overlay area wherein there are a plurality of electrical contacts within the display area. In fact, Finster teaches away from this construction by stating at col. 2, lines 63-67 that the inside of the tag includes suitable, programmable electronics which are battery powered to operate the display. Nowhere is there mention of the elements claimed in the present invention.

Furthermore, the Examiner misinterprets the Background section of the present invention wherein bistable labels are discussed. In that section the bistable display is part of the overlay, and is not powered as provided to the retailer. This makes it difficult to test the functionality of the display before assembly with the support. The present invention solves this problem. Thus, US 6,637,650 teaches away from the present invention.

In summary, the Examiner has failed to provide a prima facie 103 (a) rejection as not every element of the claims is shown in the prior art. The primary reference cited by the Examiner teaches away from the present invention. Further, the Applicants have identified a problem with prior art bistable displays. This problem is not identified in any of the references of record. The solution to the identified problem is embodied in the claims and this is not taught in the combination of references. Therefore, Applicants request that the rejection be withdrawn.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Respectfully submitted,



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Enclosures: Replacement Figures 1-10
Copies of Formal Drawings

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.